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PUBLIC DOCUMENT..... No. 13.

Commonwealth of Massachusetts.

ELEVENTH ANNUAL REPORT

OF THE

COMMISSIONERS ON PUBLIC LANDS,

IN CONTINUATION.

OFFICE OF COMMISSIONERS ON PUBLIC LANDS, STATE HOUSE, }  
BOSTON, October 15, 1862. }

To His Excellency JOHN A. ANDREW, *Governor of the Commonwealth of Massachusetts :*

The Commissioners on Public Lands, in continuation of the Commission on the Back Bay, herewith present their Eleventh Annual Report.

The state of public affairs, in the judgment of the Commissioners, has rendered it unadvisable to have a public sale of lands during the past year ; but some applications for land which have recently been made have justified them, with the consent of your Excellency, in proposing a sale for the 21st inst., the results of which will be communicated in a subsequent report.

The quantity of "good solid earth and clean gravel" deposited in the lands belonging to the Commonwealth in the Back Bay, up to the first day of October instant, was one million seven hundred fifty-one thousand nine hundred and thirty-eight (1,751,938) cubic yards, for which and for other expenses of filling there has been paid the sum of seven hundred eighty-one thousand seven hundred thirty-six dollars and ninety-eight cents, ( $\$781,736\frac{98}{100}$ ); of this filling four hundred forty-one thousand nine hundred and thirty-eight (441,938) cubic yards have been deposited since our last Annual Report, under the contract with N. C. Munson, for which and other expenses of grading, drainage, edgestones, &c., there has been paid the sum of one hundred eighty-nine thousand seven hundred thirty-one dollars and seventy-seven cents, ( $\$189,731\frac{77}{100}$ ); namely, in scrip and interest thereon, one hundred and sixty thousand three hundred and fifty-four dollars and forty-five cents, ( $\$160,354\frac{45}{100}$ ), and in cash, twenty-nine thousand three hundred seventy-seven dollars and thirty-two cents ( $\$29,377\frac{32}{100}$ ). The total area of land filled and unsold, exclusive of streets and passageways, and also exclusive of the land reserved for certain institutions, under chapter 183 of the Acts of 1861, is nine hundred forty thousand three hundred and four (940,304) square feet, valued at about one million and a half of dollars. There is besides an area of about one million and a quarter (1,250,000) square feet belonging to the Commonwealth not yet filled.

The substantial and handsome building in course of erection on the lands reserved for the Boston Society of Natural History, and other improvements during the past year upon the Back Bay, cannot fail to enhance the value of the lands remaining unsold.

Under the Act of March 21, 1861, (chapter 85,) transferring to the Commissioners on Public Lands the charge of all the flats of the Commonwealth, several applications were made in March last by different parties, for the privilege of bedding oysters on a portion of the flats in Boston Harbor. Several hearings were had on the subject before this Board, but before any specific action was taken, the Act of April 28, 1862, was passed, restricting the "sale or disposal of the flats of the Commonwealth." This Act was deemed as taking the matter of



regulating the use of these flats out of the hands of this Commission. As the bedding of oysters causes no injury to the unimproved flats, but is liable to give rise to conflict of private interests, it may be expedient to confide the due regulation thereof to some proper commission.

Acting under chapter 201 of the Acts of 1861, the Commissioners have proposed to contract with the Boston and Roxbury Mill Corporation for a continuance of the tolls on the Mill-dam until the connecting roads are accepted by the towns and cities in which they lie; and, although the negotiations have not as yet been brought to a conclusion, the delay does not indicate any unwillingness on the part of the Mill Corporation to consent to a just and equitable adjustment of the matter.

Under the Resolve of April 10, 1861, (chapter 87,) the Commissioners have made specific written proposals to the Boston Water-Power Company, and to the riparian owners of territory lying west of the land of the Commonwealth, for the reservation of a water-space. The Commissioners proposed that the Commonwealth should furnish one-third of the land and bear one-third of the expense. The omission of the parties interested to accept so liberal an offer indicates an unwillingness to enter into the proposed improvement.

During the past year numerous applications have been made at this office for titles, maps, plans, field-notes of surveys, &c., connected with the lands formerly owned by this Commonwealth in the State of Maine. These applications have required considerable attention. The Commonwealth not having any direct pecuniary interest in these lands, and there being no provision of law whereby the expenses can be charged to the parties applying, the Commissioners on Public Lands would suggest that the legislature consider the expediency of authorizing the transfer of all the archives relating to Maine lands to the custody of that State.

Commissioners appointed by the city of Boston to propose a comprehensive plan of drainage and for laying out the streets on lands in the Back Bay contiguous to those belonging to the State, have several times appeared before this Board, but they have not presented any completed plan for the action of the State. It is probable that a plan will be presented possessing

advantages which will entitle it to the favorable consideration of the legislature.

In compliance with chapter 142 of the Acts of the year 1861, the Commissioners have offered for acceptance as streets by the city of Boston, on terms approved by your Excellency, and under advice of the Attorney-General, the one-half of Arlington Street belonging to the State, and that part of Commonwealth Avenue extending from Arlington to Berkeley Streets. The Commissioners have paid the expense of grading these streets, so as to meet the requirements of the Committee on Paving, and it is presumed that the acceptance will be made in due time.

All of which is respectfully submitted.

FRANKLIN HAVEN,  
EDW'D C. PURDY,  
CHARLES HALE,

*Commissioners on Public Lands.*



## SUPPLEMENTARY REPORT.

OFFICE OF COMMISSIONERS ON PUBLIC LANDS, STATE HOUSE, }  
BOSTON, January 6, 1863. }

To His Excellency JOHN A. ANDREW, *Governor of the Commonwealth of Massachusetts :*

The Commissioners on Public Lands respectfully submit, that since they made their Annual Report in October last, they have sold by public auction fifty-seven lots of land on the Back Bay for two hundred sixty-six thousand nine hundred forty-nine dollars and twenty-four cents, (\$266,949.24,) viz. :—

	Square Feet.	Amount.
On the 21st of October, 1862, 5 lots on the south side of Commonwealth Avenue, . . . . .	17,928	\$43,512 74
On the 18th of November, 1862, 8 lots on the north side of Marlborough Street, . . . . .	22,400	30,838 50
On the 3d of January, 1863, 22 lots on the south side of Beacon Street, . . . . .	61,376	109,872 00
On the 3d of January, 1863, 22 lots on the north side of Marlborough Street, . . . . .	61,376	82,726 00
Aggregate, 57 lots, . . . . .	163,080	\$266,949 24

The auctioneer's commissions and other necessary expenses of the three sales, deducted from the gross proceeds according to law, were as follows :—

Auctioneer's commissions, . . . . .	\$667 28
U. S. Government tax, . . . . .	266 91
Advertising, catalogues, &c., . . . . .	565 92
	————— \$1,500 11

Leaving a balance of two hundred sixty-five thousand four hundred forty-nine dollars and thirteen cents, (\$265,449.13,) when

the purchases made at the last sale are completed ; of this sum there has been paid into the treasury, forty-one thousand five hundred and fifty-five dollars and thirty-two cents (\$41,555.32) in cash, and thirty-one thousand two hundred ninety-five dollars and eighty-one cents (\$31,295.81) in notes payable in one, two and three years.

In cases in which settlement was made partly by notes, the title of the land was not passed, but bonds were given for deeds, to be delivered when the purchase money shall be fully paid.

One-half of the proceeds will be credited on the first day of August next to the school fund and the various educational institutions mentioned in the Act of 1859, chapter 154. The other half is passed to the sinking fund for the redemption of scrip issued according to the provisions of the Act of 1860, chapter 200, and the Act of 1862, chapter 15.

In accordance with chapter 201 of the Acts passed in the year 1861, an indenture has been entered into with the Boston and Roxbury Mill Corporation, by which the toll franchise of that Corporation reverts to the Commonwealth on the first day of May of the present year, with the right of continuing tolls as contemplated by said Act, which provides that the income derived therefrom is to be devoted to keeping the Mill-dam and its connecting roads and bridges in repair, and the surplus not required for such repairs is to be paid into the treasury, "to be kept as a sinking fund for the same purposes." The terms of the indenture, reserving the Commonwealth's rights of drainage and flowage, accord to the Mill Corporation the right to build a sea-wall, in accordance with the indenture of June 9, 1854, and to inclose and improve the water-space outside of the emptying sluices, as laid down on the plan accompanying the Fifth Annual Report of the Commissioners on the Back Bay. It is believed that this indenture is in many respects advantageous to both parties, and in no way detrimental to either.

All of which is respectfully submitted.

FRANKLIN HAVEN,  
EDW'D C. PURDY,  
CHARLES HALE,

*Commissioners on Public Lands.*





